

REMARKS

This amendment, submitted in response to the Office Action dated September 11, 2003, is believed to be fully responsive to each point of objection raised therein. Accordingly, favorable reconsideration is respectfully requested.

I. Formal Matters

Applicants thank the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119(a)-(d) and for confirming that the certified copy of the priority document was received.

Applicants respectfully request that the Examiner return, with the next correspondence, a signed and initialed copy of the PTO-Form 1499 submitted with the Information Disclosure Statements filed on September 24, 1999, June 29, 2000, November 20, 2001, October 24, 2002, and December 16, 2002.

II. Claims

Claims 1-13 are all the claims pending in the application. Claims 1,2,5,6, and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama et al. (U.S. Patent No. 5,303,344, hereafter "Yokoyama") in view of Albal et al. (U.S. Patent No. 4,821,265, hereafter "Albal") in further view of Stoner et al. (U.S. Patent No. 6,052,383, hereafter "Stoner").

Applicants respectfully submit the following arguments in traversal of the prior art rejections.

The Examiner contends that the independent claims 1,2,5,6,8,9 and 11 and the dependent claim 10 are suggested by the combination of Yokoyama in view of Albal in further view of Stoner. The Examiner correctly concedes that Yokoyama fails to disclose a packet memory for

storing the entire packet. The Examiner cites Albal to make up for this particular deficiency. However, the Examiner's rejection is not supported because the above two references are directed toward different types of architectures. "When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." *In re Rouffet*, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). Here, the Examiner's proffered motivation to make the combination is not supportable.

Yokoyama teaches two categories of protocol processing for all seven layers. The first category is executed by a first processor portion of hardware and the second category is executed by a second processor portion in a software manner. According to Yokoyama, the first processor portion can be comprised of a plurality of data transfer units of hardware provided for the respective layers (*see* col. 2, ln. 20-26, Yokoyama). By contrast, Albal teaches only one category of communication or protocol processing for only the lower three layers (*see*, col.3, ln.10-15, Albal).

Further, Albal teaches concurrent processing of multiple D channel messages in an ISDN that have been processed by the demultiplexer which then consults a processor bank including a plurality of processors for performing a layer 2 process on the D-Channel message (*see*, col. 4-5. ln.65-15). Alternatively, Yokoyama teaches a first processor portion that is comprised of a plurality of data transfer units of hardware for performing the Layer 2 process. Albal teaches an ISDN containing the intelligence for providing service features, maintenance and network management functions. Also, ISDN standards are similar to the OSI seven layer reference model but do not map exactly onto existing protocol and only consider the lower three layers of the OSI

model (*see* col.2, ln.19-25, Albal). Alternatively, Yokoyama teaches a protocol processing apparatus for the layered communication protocol of all seven layers.

Yokoyama teaches exclusive use hardware that makes up the first processor portion and that is used only for normal data transfer processing (*see* col.2, ln. 45-55, Yokoyama). This results in the need for relatively simple control and explains why Yokoyama does not disclose a packet memory for storing an entire packet at a communication interface. Albal does not teach the normal data transfer process but provides processing abilities for multiple D Channel messages in an ISDN so the control process is different and requires additional packet memory.

Yokoyama and Albal are deficient in their failure to disclose that the layer 2 and layer 3 processing processors access the shared memory through separate buses. Therefore, the Examiner relies on Stoner to compensate for the foregoing deficiencies. Stoner is directed toward LAN and ATM communications so separate buses must be used so that information or data can be sent between the corresponding switch modules. However, Stoner fails to disclose packet processing for converting packet data through several layers.

Therefore, for at least the reasons set forth above, Applicants submit that the Examiner has failed to establish a prima facie case of obviousness with respect to the present invention. The combination of Yokoyama, Albal, and Stoner does not teach each and every feature of the claimed invention.

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As a result of the above arguments, Applicants respectfully request the Examiner's reconsideration and withdrawal of the above 35 U.S.C. § 103(a) rejection of independent claims 1,2,5,6,8,9, and 11. As claim 10 further depends on independent claim 9, Applicants also respectfully submit that this claim is also allowable at least by reason of its dependence

Applicants would like to thank the Examiner for the indication of allowable subject matter. Specifically, the Examiner indicates that claims 3-4, 7, and 12-13 would be allowable if rewritten in independent form, to include all of the limitations of the base claim and any intervening claims, and to overcome applicable claim objections.

Applicants believe that base claims 1,2,5,6,8,9, and 11 are patentable for at least the reasons discussed above. Accordingly, Applicants have not rewritten claims 3-4, 7, and 12-13 in independent form at this time. Applicants concur, however, that these claims are distinct over the subject matter of claim 1, and thus are patentable each on their own merits, beyond the patentability of claim 1.

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III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

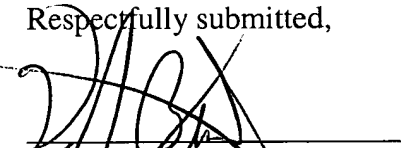
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